

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-23886 of 2015

Date of Decision: 05.05.2016

Sunil Peter & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Harnek Singh, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of FIR No.40 dated 20.3.2014 under Section 420
IPC registered at P.S. City Batala, District Gurdaspur (Annexure
P-1) on the basis of compromise dated 13.5.2015 (Annexure P-2).

This Court vide order 26.2.2016 had directed the
parties to appear before the Illaqa Magistrate to get their
statements recorded with regard to compromise and learned
Illaq Magistrate was directed to submit his report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 25.4.2016 to the effect that the matter has been compromised between the parties voluntarily without any threat, coercion or undue influence. The statement of Arun Kumar, respondent no.2/complainant, reads as under:-

“I have entered into compromise with Sunil Peter, Ritka, Pal Masih, accused persons (petitioners). The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now, I have no grudge against the accused persons (petitioners). I have no objection, if the present FIR No.40 dated 20.03.2014, under Section 420 IPC, Police Station City Batala and subsequent proceedings are quashed against above mentioned accused persons (petitioners).

RO & AC
Sd/- (Arun Kumar)

Sd/-
Raj Pal,
SDJM/22.04.2016”

Similar statement has also been made by Sarbjit Singh, respondent no.3, before the learned Magistrate on 22.4.2016.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no

useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.40 dated 20.3.2014 under Section 420 IPC registered at P.S. City Batala, District Gurdaspur (Annexure P-1) is quashed *qua* the petitioners, in view of compromise dated 13.5.2015 (Annexure P-2).

May 05, 2016
AK

(HARI PAL VERMA)
JUDGE